

# THE NIAGARA ESCARPMENT PLAN

**VOLUME 1**



Planning and  
Implementation Process

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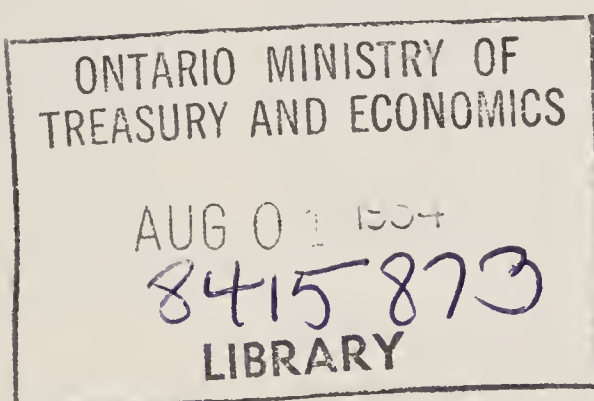
Hon. Norman W. Sterling, Q.C.  
Provincial Secretary  
Don Stevenson  
Deputy Provincial Secretary



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Vol 1

# THE NIAGARA ESCARPMENT PLAN

**VOLUME 1**



## **Planning and Implementation Process**



Ontario

Provincial  
Secretariat for  
Resources Development

Hon. Norman W. Sterling, Q.C.  
Provincial Secretary  
Don Stevenson  
Deputy Provincial Secretary

**JULY 1984**

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## FOREWORD



*As Ontario celebrates its Bicentennial, I am proud to reaffirm my Government's commitment to protect the Niagara Escarpment. Along its length, the Escarpment includes a unique natural environment which must be protected as part of our heritage for future generations to enjoy.*

*Just over 10 years ago, the Ontario Government adopted The Niagara Escarpment Planning and Development Act to focus and direct the efforts of several public agencies and interest groups towards maintaining the Escarpment as a continuous natural environment, and to ensure that any development would be compatible with that environment. The legislation also established the Niagara Escarpment Commission to prepare a Plan and to administer an innovative system of development control.*

*After careful study and consultation, the Commission published The Proposed Plan for the Niagara Escarpment in November 1979. Hearing Officers were then appointed to conduct public hearings on the Proposed Plan. During the next two years, the Hearing Officers received several hundred submissions from municipal authorities, interest groups and individuals from all walks of life.*

*In January 1983, the Hearing Officers submitted their report. Six months later, the Commission issued its recommendations based on an assessment of the Hearing Officers' Report.*

*On assuming this portfolio in July 1983, I set about the challenging task of reviewing the Proposed Plan in relation to the two sets of recommendations from the Commission and*

*from the Hearing Officers. I scrupulously examined all the relevant reports, and I visited many locations on the Escarpment to find out more about the area in greater detail. After several months of study, I have presented my recommendations on the Niagara Escarpment to Cabinet.*

*To comply with Section 10 (10) of the Act, I am now giving public notice of my intentions regarding The Niagara Escarpment Plan. My recommendations are presented in these three volumes: **Volume 1** includes proposals on the planning process and the implementation of the Plan; **Volume 2** is intended to be the Niagara Escarpment Plan and, **Volume 3** consists of responses to the reports of the Hearing Officers.*

*Anyone wishing to comment upon my intentions concerning the Plan should write to the Lieutenant-Governor-in-Council up to 21 days following the release of this report. Such written representations should be addressed to:*

Assistant Clerk of the Executive Council  
Executive Council Office  
Government of Ontario  
Legislative Building  
Queen's Park  
Toronto, Ontario  
M7A 1A1

A handwritten signature in dark ink, reading "Norman Sterling". The signature is written in a cursive, flowing style.

Norman W. Sterling, Q.C.  
Provincial Secretary for  
Resources Development



# VOLUME 1: PLANNING AND IMPLEMENTATION PROCESS

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# INTRODUCTION



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## INTRODUCTION

In 1973, the Government of Ontario made a commitment to protect the Niagara Escarpment, thereby recognizing the importance of this feature as a unique and continuous landscape. In making this commitment, the Government introduced legislation establishing a new system of planning for the Escarpment.

The main features of the process established by the legislation provided:

- that proposed provincial policies be prepared by the Niagara Escarpment Commission,
- that provision be made for public comment and response to Plan proposals before the adoption of the provincial Plan,
- that the provincial Plan and municipal official plans be legally binding on provincial and local governments and that the provincial Plan take precedence over local plans,
- that local government play an increasingly significant role in Plan formulation and execution.

In addition, a development control process was put in place as an interim means of dealing with development during the preparation of the Plan. This avoided the cumbersome and unwieldy techniques of freezing all development on the Escarpment pending the completion and adoption of the Plan. A "Pits and Quarries Restrictive Zone" was also established as Government policy to prohibit the establishment of new pits or quarries within its boundaries while the Plan was being prepared.

At the time, the Government agreed that the acquisition of key Escarpment lands for parks and the protection of significant natural features be continued. It was stressed that land acquisition be related to priorities of concern and that funding for the provincial land acquisition program be over the long term. To date, approximately 33,600 hectares of land have been purchased by the Government and other public agencies in the area of the Plan.

A Proposed Plan for the Niagara Escarpment was released by the Niagara Escarpment Commission in November 1979. Each municipality within or partly within the Niagara Escarpment Planning Area was provided with a copy and invited to comment within three months on the contents through the council of the county or regional municipality.

Comments were also solicited from the public and the Advisory Committees to the Commission. The comments received during the three month period are summarized in the document published by the Niagara Escarpment commission in June 1983 titled "Niagara Escarpment Commission's Response to the Comments Received on the Proposed Plan."

During the three-month period, the Niagara Escarpment Commission formally appointed three Hearing Officers seconded from the Ontario Municipal Board for the purpose of conducting hearings within the Niagara Escarpment Planning Area and receiving representations on the Proposed Plan. At the conclusion of the hearings, *The Niagara Escarpment Planning and Development Act* required the Hearing Officers to submit a report to the Commission with a copy to the Minister. The report, in four volumes, was received by the Commission and the Provincial Secretary for Resources Development in January 1983.

As the Hearing Officers note in the Preface to their report, the hearings generated an immense public interest that was sustained throughout the 26 months of sittings which began on April 14, 1980. During the overall hearing, over 9,300 people attended sittings at several locations along the Niagara Escarpment. The Hearing Officers processed a total of 1,041 applications. During the course of the hearings, 71 per cent of these applications, numbering 743, were heard as submissions. The remaining number of applications were either cancelled, or the applicants failed to appear for their scheduled appointment at the hearings. In arriving at their recommendations, the Hearing Officers took into account the submissions made and evidence emerging through cross-examination or by queries made by interested parties in passing.

The recommendations of the Niagara Escarpment Commission (under the title "Final Proposed Plan"), as required by Section 10(7) of *The Niagara Escarpment Planning and Development Act*, were received on June 30, 1983. At the same time, the Commission submitted recommendations on the implementation of the Niagara Escarpment Plan.

Section 10(9) of *The Niagara Escarpment Planning and Development Act* requires that the Provincial Secretary for Resources Development consider the two sets of recommendations and submit the Proposed Plan together with his recommendations to Cabinet.

Several factors influenced the Provincial Secretary's consideration of the Proposed Plan and his recommendations:

- the need to protect the Escarpment and the lands in the vicinity as a continuous natural environment by providing a system of uniform planning controls for the entire area of the Plan;
- the need to establish a process for dealing with development applications based on clearly defined policies, equitable to landowners and capable of administration at the local level;
- the need to establish a system of parks and open space which provides public access to significant natural and cultural features and which will be secured and developed in response to demonstrated needs;
- the need to ensure that provincial agencies, municipal governments and other organizations concerned with the future of the Escarpment become involved in monitoring the implementation of the Plan.

In essence, following the approval of the Niagara Escarpment Plan, it is proposed to maintain a special system of land use control and Plan administration for the Niagara Escarpment. This will ensure that the experience of planning this area during the past 10 years is used to best advantage to protect the Escarpment.

The land use control and Plan administration system will comprise the following parts:

1. The Niagara Escarpment Plan, as approved pursuant to *The Niagara Escarpment Planning and Development Act*. The Plan will contain policies and objectives and maps for the use of the land, permitted uses, lot creation policies and development criteria on how proposed development should be carried out. Policies are also provided for a proposed Niagara Escarpment Parks System.
2. A land use and development control system based initially on *The Niagara Escarpment Planning and Development Act* but ultimately conforming with existing and new provisions of *The Planning Act*.
3. The Niagara Escarpment Parks System comprising the parks and open space areas of several public authorities and linked, wherever possible, by the Bruce Trail. A Niagara Escarpment Fund, administered by the Ontario Heritage Foundation, will be established with Government funding to accept donations and to acquire key Escarpment areas.
4. A monitoring system for the Niagara Escarpment Plan involving provincial agencies, municipalities and the Niagara Escarpment Commission established to ensure that the policies of the Niagara Escarpment Plan are adhered to and implemented.

The procedures to implement the Plan are described in this report. **Volume 2: Recommended Policies of the Provincial Secretary for Resources Development** is the intended Plan and contains proposed policies for controlling land use and administering development control and **Volume 3: Responses to the Recommendations of the Hearing Officers** lists the recommendations of the Hearing Officers and the Provincial Secretary's responses to that report.

**PART 1**  
**THE NIAGARA ESCARPMENT PLAN**



## **PART 1**

### **THE NIAGARA ESCARPMENT PLAN**

The policies of the Niagara Escarpment Plan, as approved by the Lieutenant-Governor-in-Council pursuant to *The Niagara Escarpment Planning and Development Act* and incorporated into regional, county and local official plans, will be the basis for maintaining the Niagara Escarpment as a continuous natural environment. The Plan will also be established as a policy statement pursuant to *The Planning Act*.

#### **Conformity of Official Plans**

*The Niagara Escarpment Planning and Development Act* provides that when the Plan is in effect:

- no municipality or local board, and no ministry shall undertake any improvement of a structural nature or any undertaking that conflicts with the Plan.
- no bylaw shall be passed that conflicts with the Plan.
- the Provincial Secretary, upon application of a council, may declare a bylaw, improvement or undertaking is not in conflict with the Plan.
- the provisions of the Niagara Escarpment Plan prevail over a municipal official plan or a bylaw where conflict exists.

The Act also provides for the following process where conflict exists between the Plan and an official plan:

- a) the Provincial Secretary identifies the areas of conflict,
- b) the Provincial Secretary advises the municipality of the conflict and invites the municipality to submit proposals for the resolution of the conflict within a specified time,
- c) if the conflict is not resolved the Provincial Secretary may amend the local plan by order.

The following process is recommended to bring local plans into conformity with the Niagara Escarpment Plan:

- Local plans will be assessed to determine areas of conflict. A report will be prepared by staff of the Ministry of Municipal Affairs and Housing and the Commission
- Consultation will be initiated with municipalities
- The Provincial Secretary will be advised of conflicts and the results of consultation
- The Provincial Secretary will advise the municipality of conflict and propose a time frame for the necessary work to be done. Ways may be suggested to resolve the conflict, such as preparing an official plan amendment pursuant to *The Planning Act*.

Funding will be provided to municipalities to enable them to bring official plans into conformity with the Niagara Escarpment Plan.

An important aspect of this process is the type of document submitted to the Provincial Secretary for consideration. The continuity of the Plan and the uniform application of policies are considered important facets of the Government's policy. Thus, it is suggested that municipalities aim at achieving as much conformity as possible with the policy designations in the Plan throughout the Plan area, especially in the use of Plan nomenclature. In some municipalities, the exact wording of the Plan may be applied; in others, the adoption of alternative wording may be necessary to achieve conformity.

#### **Amendments to the Plan**

Section 12 of *The Niagara Escarpment Planning and Development Act* provides for the amendment of the Niagara Escarpment Plan. An amendment may be initiated by the Provincial Secretary for Resources Development, the Niagara Escarpment Commission, a ministry or an individual. The process then follows procedures established under Sec-

tion 10 of the Act which call for the preparation of proposals, the appointment of Hearing Officers, public hearings and the submission of recommendations to the Lieutenant-Governor-in-Council.

In reviewing the implementation procedures for the Niagara Escarpment Plan, the

Niagara Escarpment Commission drew attention to several potential problems with the amendment process. As several sections of the Act will be reviewed when the Plan is implemented, the Provincial Secretary for Resources Development will include this matter in his considerations with the objective of streamlining the process.

**PART 2**  
**DEVELOPMENT CONTROL**

## **PART 2 DEVELOPMENT CONTROL**

The administration of development control in the area of the Plan has been determined since 1974 by Sections 22 to 26 of *The Niagara Escarpment Planning and Development Act* and *Ontario Regulation 685*. The Act establishes the control process and the Regulation identifies types of development exempt from control and development standards. Development control guidelines are also available for dealing with such matters as development in rural areas and the relationship of development control to official plans and zoning bylaws. On average, the Niagara Escarpment Commission currently processes about 850 development permits each year.

A review of conclusions and recommendations by the Hearing Officers and the Niagara Escarpment Commission suggested three important factors in the establishment of a process dealing with development permit applications after the Plan is approved:

- First, that a special system of controlling development continues to be necessary to ensure the protection of the Escarpment and that the system be applied uniformly throughout the Plan area;
- Second, that the system be equitable to landowners;
- Third, that local municipal councils be given responsibility for decisions governing development applications in the area of the Plan.

Accordingly, it is recommended that:

The responsibility for the administration of development applications in the area of the Niagara Escarpment Plan be delegated progressively to the local municipal level.

- Initially, administration of the present development permit system will be delegated expeditiously to upper-tier municipalities which express a desire to assume the responsibility. This can be done under the present legislation.

- A site plan control system in conjunction with zoning bylaws will be established to enable local municipalities to assume responsibility for development applications. The site-plan control system will be based on official plans and zoning bylaws which must first be brought into conformity with the Niagara Escarpment Plan. An amendment to *The Planning Act* may be necessary to implement this system.

### **Delegation to Upper-Tier Municipalities**

The legislative authority for the initial step in the process of delegation is contained in *The Niagara Escarpment Planning and Development Act*. Section 25(2) of the Act enables the Minister of Municipal Affairs and Housing to delegate responsibility to an upper-tier authority for the administration of development control subject to conditions. The upper-tier authority's application to the Minister must include a statement of the organizational structure to be established and the procedures to be followed. The upper-tier municipalities in the area of the Niagara Escarpment Plan include the Regional Municipalities of Niagara, Hamilton-Wentworth, Halton, Peel, the Counties of Dufferin, Simcoe, Grey and Bruce and the City of Owen Sound.

Responsibility for the administration of the development permit system will be delegated to upper-tier authorities which express a desire to assume responsibility for planning decisions.

The following process is contemplated:

- Staff from the Ministry of Municipal Affairs and Housing in consultation with the Niagara Escarpment Commission will initiate discussions with upper-tier authorities immediately to determine their willingness to assume responsibility for the administration of the development permit system.

At this stage, a commitment must be received that all relevant planning documents will be brought into conformity with the Niagara Escarpment Plan.

- Staff from the Ministry of Municipal Affairs and Housing and the Niagara Escarp-

ment Commission in consultation with staff of upper-tier municipalities will prepare an administrative manual for the development permit system.

- When an upper-tier municipality applies to the Minister of Municipal Affairs and Housing for designation to administer the development permit system, designation will follow approval of the Minister of Municipal Affairs and Housing pursuant to Section 25 of *The Niagara Escarpment Planning and Development Act*.

The following criteria are proposed for the delegation of the development permit system to upper-tier municipalities:

- that an approved official plan is in place,
- that full-time professional staff are available,
- that adequate financial and administrative resources are available to provide the service,
- that applications for designation be at the request of county or regional authorities,
- that a process for reporting development permit approvals to the monitoring agencies be established.

Before delegation of the development permit system occurs, a review of current development control operations will be undertaken to ensure that procedures are adopted to meet the needs of the upper-tier authorities.

The Niagara Escarpment Commission will be responsible for the administration of the development permit process until responsibility is transferred to upper-tier municipalities.

### **Establishment of Site-Plan Control at the Local Level**

A land use control system based on zoning and site-plan control gives landowners greater confidence. Furthermore, local municipal councils are more familiar with administering the provisions of *The Planning Act*.

Current legislation governing site-plan control needs amending to ensure that this process can be established for the area of the Niagara Escarpment Plan. Accordingly, it is recommended that amendments to *The Planning Act* be introduced in 1985 to ensure that:

- site-plan control apply to development applications in the entire area of the Niagara Escarpment Plan when the present permit system is repealed,
- site-plan control be monitored with the assistance of upper-tier municipalities and the Niagara Escarpment Commission,
- the Ministry of Municipal Affairs and Housing or the Niagara Escarpment Commission are empowered to appeal decisions on site-plan proposals.

A manual of practice will be prepared together with model zoning bylaws and guidelines for site-plan control to assist municipalities in administering the process.

The prerequisites before local municipal councils assume responsibility for implementing site-plan control are:

- all local official plans and zoning bylaws must conform with the Niagara Escarpment Plan,
- the area of the Niagara Escarpment Plan must be shown in local official plans as an area of site-plan control,
- a site-plan bylaw must be enacted for the area of the Niagara Escarpment Plan.

As the Plan is implemented, it is possible for the two systems of land use control to be in effect in different parts of the Escarpment. For example, some upper-tier authorities may opt to continue to use the development permit system as provided for in *The Niagara Escarpment Planning and Development Act*. Elsewhere, however, many local municipal councils will probably adopt site-plan bylaws and assume responsibility for administering the system, when local plans are brought into conformity with the Niagara Escarpment Plan.



**PART 3**  
**ESCARPMENT PARKS AND**  
**LAND ACQUISITION**

### **PART 3**

## **ESCARPMENT PARKS AND LAND ACQUISITION**

In 1973, the Government's policy for protecting the Niagara Escarpment consisted of two initiatives: to regulate the use of private land by means of a provincial land use plan and to establish policies for the acquisition and development of public land along the Escarpment. This section describes the proposed course of action for publicly owned land on the Escarpment.

### **Niagara Escarpment Parks System**

A Niagara Escarpment Parks System will be established based on publicly owned land. The system will include the development of 10 principal, or nodal, parks at strategic points along the Escarpment with the Bruce Trail linking the parks and natural features in public ownership. As there are several park agencies along the Escarpment, policies will be developed to coordinate the development and management of the Parks System as a unified system. Plans will be prepared for each park and an overall park identity program established.

The nodal parks of the Niagara Escarpment Parks System will be focal points for activities along the Escarpment. In these parks, special emphasis will be placed on the dissemination of information regarding the parks system, as well as other recreation activities in the communities and the countryside in the vicinity of that part of the Escarpment. Steps will be taken to ensure the parks become an integral part of the tourist economy along the Escarpment.

The 10 nodal parks and their managing agencies are:

1. Cyprus Lake Provincial Park  
(Ministry of Natural Resources)
2. Skinner Bluff Conservation Area  
(Sauble Valley Conservation Authority)
3. Inglis Falls Conservation Area  
(North Grey Conservation Authority)
4. Walters Falls Conservation Area  
(North Grey Conservation Authority)

5. Pretty River Valley Candidate Provincial Park  
(Ministry of Natural Resources)
6. Mono Cliffs Candidate Provincial Park  
(Ministry of Natural Resources)
7. Terra Cotta Conservation Area  
(Credit Valley Conservation Authority)
8. Crawford Lake Conservation Area  
(Halton Region Conservation Authority)
9. Dundas Valley Conservation Area  
(Hamilton Region Conservation Authority)
10. Short Hills Candidate Provincial Park  
(Ministry of Natural Resources)

Discussions with the various park authorities along the Escarpment resulted in agreement that the Parks System be managed by existing agencies guided by policies of the Niagara Escarpment Plan. The authorities also agreed that a proposed manual of standards and guidelines be prepared to be used by all the agencies in preparing plans for developing and managing parks comprising the System.

As to the proposed establishment of a National Park in Bruce County, discussions between the Federal and Provincial Governments are at a preliminary stage with the result that a statement on this matter in the Niagara Escarpment Plan would be premature.

### **Parks Coordination**

In accordance with the recommendation of the Hearing Officers, the Ministry of Natural Resources is prepared to assume responsibility for coordinating the Niagara Escarpment Parks System with the numerous parks agencies on the Escarpment. These agencies include eight conservation authorities; the Niagara Parks Commission; the Ministry of Agriculture and Food; the Ontario Heritage Foundation; Parks Canada; the St. Lawrence Seaway Authority; municipalities and other bodies capable of managing areas in the public interest, such as the Bruce Trail Association and local service clubs.

Coordination of the Niagara Escarpment Parks System will occur largely by means of existing administrative arrangements. The Ministry of Natural Resources anticipates a more active role for its staff in such areas as:

- ensuring park development plans do not conflict with the policies of the Plan and the proposed manual of park standards and guidelines,
- coordinating a marketing program for the system,
- establishing a visual identity program,
- dealing with planning concerns as the overall Plan is implemented.

In addition, the Ministry of Natural Resources will publish regulations governing the proposed designation of candidate provincial parks in the Niagara Escarpment Parks System in conjunction with the approval of the Niagara Escarpment Plan.

### **Land Acquisition**

Since the late 1960s, approximately 33,600 hectares of land have been purchased by the Government and other public agencies along the Escarpment. Excluding land requirements in Bruce County which may be purchased by the Federal Government for the proposed National Park, it is estimated that an additional 3,700 hectares is required to consolidate existing holdings.

The Government's policy for land acquisition on the Escarpment since 1980 has been to purchase only high priority lands needed to consolidate purchased areas or to facilitate the management of existing purchased lands. These properties are included on a priority acquisition list available at Ministry of Natural Resources' offices. The policy also states that land will be acquired, only if the owner is willing to sell and that an acceptable price is negotiated.

As to the acquisition of land for the Bruce Trail, the Government has indicated its preparedness to support this endeavour, but only where other means have failed or where public access to the Bruce Trail is not possible.

In their report, the Hearing Officers recommended that a definite program be established for land acquisition and that affected property owners be advised when their property is listed to be purchased. In June 1983, the Niagara Escarpment Commission proposed that the acquisition of land be undertaken over the long term, that lands suitable for acquisition be identified on maps and that lands for the Bruce Trail be given special priority.

Having considered the options, the Government confirms that it will carry out land acquisition over the long term depending on the availability of funds and the willingness of owners to sell their property or to allow an easement for its use.

The Government's actions regarding land acquisition will be determined by the following course of action:

1. The Government will seek to purchase lands considered to be of high priority. Such lands would be areas needed to consolidate existing purchased areas or to facilitate the management of existing public lands.
2. Priority properties will be included in a list maintained by the Ministry of Natural Resources and kept up-to-date in consultation with other park agencies and the Ontario Heritage Foundation. Core properties in the proposed acquisition areas are the first priority. Copies of the list are available at the Ministry's offices in or close to the Niagara Escarpment area.
3. Acquisitions will occur when landowners express a willingness to sell or to donate their property to a public authority. The Government will make one contact with the landowner to indicate its interest in acquiring the land through outright purchase at an appraised market value. Other methods of acquiring the land may be discussed at the time, such as special agreement, easement or a donation. If the landowner is not interested the negotiations will cease.

4. With regard to lands along the route of the Bruce Trail, the Government will support land acquisition, but only where other means of guaranteeing public access to the trail are not possible.
5. The Government will not seek to purchase lots of record outside listed acquisition areas.
6. Surplus lands might be sold or exchanged for lands having a higher suitability for acquisition.

### **Areas of Natural and Scientific Interest**

It is impossible to purchase all the areas of outstanding natural or scientific value in the area of the Niagara Escarpment Plan. Fortunately, many concerned property owners along the Escarpment have maintained and managed their lands in such a way as to make it possible for others to enjoy. This concept of concerned stewardship of the land by property owners will be encouraged.

Many areas of natural and scientific interest in the area of the Niagara Escarpment Plan are located on private land. Therefore, the Ministry of Natural Resources will attempt to ensure with the cooperation of Ontario Heritage Foundation, park agencies or municipalities that landowners are aware of significant features on their properties. Owners' cooperation will be sought in protecting such features through voluntary agreements which may take the form of lease agreements, conservation easements or other arrangements deemed practicable at the time.

As to areas of scientific and natural interest in publicly owned lands, park agencies will be encouraged to give priority to the preparation of plans for these areas to ensure their protection.

### **Ontario Heritage Foundation**

The protection of the Niagara Escarpment is a team effort. In the decades to come, the provision and maintenance of open space in the area of the Plan will depend on an approach which stresses greater involvement by public, private and voluntary interests working together as a partnership in the context of the Niagara Escarpment Plan.

The Ontario Heritage Foundation will be a key partner in this endeavour. The Foundation is an agency of the Ministry of Citizenship and Culture created to assist and to encourage the preservation of Ontario's heritage and culture. The Foundation is guided by a board of private citizens representing all parts of Ontario. As a participant in the Natural Heritage League, the Foundation works closely with other organizations such as The Nature Conservancy of Canada, the Ministry of Natural Resources, conservation authorities and local governments to protect and to manage natural heritage areas.

As the Government recognizes the Niagara Escarpment as a significant element of Ontario's natural heritage, it is recommended that a special Niagara Escarpment Fund be established to accept donations for the acquisition of Escarpment lands. Furthermore, the Government's contribution to the Fund will be \$2.5 million per year for a period of 10 years.

It is also recommended that a special committee of the Ontario Heritage Foundation, the Niagara Escarpment Committee, be established to administer the Fund and a program for accepting donations, and acquire rights in heritage properties on the Escarpment.

Five new directors will be appointed to the Board of the Ontario Heritage Foundation by Order-in-Council, including the Chairman of the Niagara Escarpment Commission, to establish the special committee.

The Niagara Escarpment Committee will report to the Ontario Heritage Foundation's Chairman and Board of Directors in the same manner as the existing four standing committees of the Board (Trust, Architecture, Archaeology and History). The committee will also be advised by each of the four standing committees on matters of heritage resource protection. The Niagara Escarpment Committee will have its own administrative staff and will also be supported by staff of the relevant standing committees where required.

In implementing the program, the Niagara Escarpment Committee will work in liaison with the Natural Heritage League of Ontario. A close working relationship with the Ministry of Natural Resources will be maintained in the decision-making process.

A variety of methods will be used to protect Escarpment heritage properties. The Foundation's policy will be to purchase property only as a last resort. This policy will be applied to the Escarpment program. Methods of achieving effective protection will include such mechanisms as donations, easements, bequests, management agreements, owner notification and heritage registration, as well as purchase.

Property and cash donations will be made to the Foundation in the usual manner to help fund the program. Cash donations and Government allocations may readily be

dedicated to specific heritage conservation projects on the Escarpment. Both property and cash donations to the Foundation entitle the donor to special Income Tax benefits as gifts to the Crown in right of Ontario.

The Ministry of Natural Resources, a conservation authority or other agencies will undertake the management of those properties protected through the operation of the Escarpment program. Before completing an acquisition, the Ontario Heritage Foundation will seek a commitment from one of the park agencies to undertake the management of the property. The Foundation will also ensure that all Escarpment heritage protection activity is promoted in a way that will give it high and distinct profile while still benefiting from the prestige of affiliation with the Ontario Heritage Foundation's long-established and well-known heritage conservation programs.



**PART 4**  
**MONITORING PLAN**  
**IMPLEMENTATION**

## **PART 4 MONITORING PLAN IMPLEMENTATION**

People concerned about the future protection of the Niagara Escarpment have debated at length how a comprehensive set of policies for the entire area can be maintained, given the large number of authorities and interests in the Plan area.

In response to these concerns, a monitoring system is recommended to ensure that the policies of the Niagara Escarpment Plan are implemented and that decisions on proposals are consistent with the objectives and policies of the Plan. In the system, provision will be made for the Niagara Escarpment Commission to comment on development applications and to intervene at appeal hearings if Plan objectives and policies are threatened.

The monitoring system will be a joint undertaking of ministries and the Niagara Escarpment Commission coordinated through the Provincial Secretariat for Resources Development. The ministries involved will include the Ministry of Municipal Affairs and Housing, the Ministry of Natural Resources and the Ministry of Citizenship and Culture.

### **Role of the Niagara Escarpment Commission**

To date, the Niagara Escarpment Commission has performed two tasks: the preparation of a Proposed Plan and the administration of development control in the Plan area. Both tasks have involved complex details and issues which the Commission has handled professionally and with sensitivity to the Escarpment environment. When the Plan is completed, the Commission's role in the administration of the development permit system will be reduced as upper-tier municipalities assume responsibility for this function.

The continuing existence of the Commission will be a tangible indication of the Government's commitment to ensure the consistency of policy implementation along the Escarpment while municipalities and other agencies bring their plans into conformity with the Plan. Accordingly, it is recommend-

ed that the responsibilities of the Commission be re-defined so that its purpose and activities will be oriented to ensure that the objectives of the Plan are maintained.

Specifically, the responsibilities of the Niagara Escarpment Commission will be:

- to promote the objectives of the Plan;
- in conjunction with the Ministry of Municipal Affairs and Housing and other agencies, to assist and to advise municipalities in bringing official plans into conformity with the Niagara Escarpment Plan;
- to administer the development permit system until delegated;
- to review and advise on proposed amendments to the Plan;
- to comment on and to monitor development permits and lot creation when delegated;
- to comment on and to monitor zoning applications and site-plan agreements and decisions;
- to intervene on development applications, if Plan objectives and policies are threatened.

The present number of Commissioners will be retained; that is nine members, including the Chairman representing the public-at-large, and eight members representing counties and regional municipalities whose jurisdiction includes any part of the Niagara Escarpment Planning Area. This will ensure that the large number and diversity of interests in the Plan area are represented.

As in the past, the Commission will report to the Government through the Provincial Secretary for Resources Development.

### **Role of Ministries**

Many government agencies will be involved in implementing different tasks associated with the Niagara Escarpment Plan. The key agencies will be the Ministry of Municipal Affairs and Housing, the

Ministry of Natural Resources, and the Ministry of Citizenship and Culture. Other government agencies will be involved from time to time as well, such as the Ministry of the Environment, the Ministry of Agriculture and Food, and the Ministry of Tourism and Recreation. The roles of the key ministries will be as follows:

*Provincial Secretariat for Resources Development*

- Ensuring coordination of Plan implementation and monitoring process,
- Deeming official plans in conformity with the Niagara Escarpment Plan,
- Processing amendments to the Niagara Escarpment Plan.

*Municipal Affairs and Housing*

- Reviewing and approving official plan amendments to conform with the Niagara Escarpment Plan,
- Establishing and monitoring a site-plan control system,
- Reviewing zoning bylaws and site-plan control bylaws,
- Rendering decisions on appeals under a development permit system,
- Assisting and advising municipalities on Plan implementation.

*Ministry of Natural Resources*

- Coordinating the preparation by park agencies of park master and management plans to conform with the Niagara Escarpment Plan,
- Monitoring implementation of park plans,
- Maintaining and periodically reviewing land acquisition priority lists,
- Liaising with park agencies and the Ontario Heritage Foundation.

*Ministry of Citizenship and Culture*

- Establishing a special committee within the Ontario Heritage Foundation to receive donations of lands and funds for park areas on the Niagara Escarpment.

In accordance with *The Niagara Escarpment Planning and Development Act*, undertakings such as public works, the preparation of park plans and programs carried out by Provincial ministries and agencies, including conservation authorities, should not conflict with the Niagara Escarpment Plan.

The Provincial Secretary for Resources Development will establish a process through the Plan monitoring system to ensure that the provisions of the Act are observed.

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